Dear Jim, CBSMemphis suit 10/2/75

Before going to bed last night, when I was tired, I read the papers you gave me.

I don't suppose they will carry this further but I made a few notes and have sone ideas noted if they do or if they reflect it prejudicially in their dhow.

The do lie repeatedly in their allegations and as I now recall under oath about what is possible for them. This centers around their suit being the only way. Themost obvious one, you should recall, is one Lesier was going to discuss with me and didn't.

If all their allegations are true the obvious way was to use FOIA on the FBI and I'm certain I discussed or hinted at this with Esther.

The questions of possible motive and purpose seems to be addressed by the timing.

It is not only as I told you, that from the time of their announcement of the show to the time of filing was four and a half months even if they could not have planned this suit in the planning of the shows. It is that they filed the very day after the Los Angeles decision, I think the earliest date on anything is 9/17 and that the L.A. decision was of 9/18. They filed in Memphis 9/19 and then claimed emergency need.

It is also obvious that they could have filed when they did in L.A.

My reading of their legal precedents is that there is no relevance in any except possibly this one in L.A. In fact, their citations prove they have had all their rights and been denied not one that is anyones as a matter of law or court decisions.

After reading this I am more persuaded that the suit is spurious. They got publicity out of the L.A. suit and they have nasty copy for their coming show. I think their language as it relates to Ray, even if it is legally founded, is as prejudicial as I interpreted it to be and their legal argument is more prejudicial.

You should keep in mind in the event this comes to anything that Leisher did have a conversation with you in which he asked about possible FOIA suits they could file and you referred him to me. I am pretty sure it was Leiser and the day he phoned me from Washington when you said he was uneasy about phoning me at all.

If they had filed under FOIA any time close to their decision to do the show, anytime close to their reading of Frame-up, even anytime close to their talking to me, they would have had a decision by now and it is likely they would have had all they now claim to need in a rush and probably more if they had filed for all the scientific testing. They'd have had a more complete story, too.

Possible explanations of why they didn't take the obvious and better and sure course include not wanting to expose the FBI to having an "exclusive". I can think of not one that is legitimate, not when they know of FOIA, know what I did in this and other cases, and have all their legal and other brainpower.

It seems to boil down to the one certainty that their suit was not for its ostensible purposes. A second certainty is that if they were serious about these pretended courses is that the route they took is the one least likely to succeed.

If they say anything nasty about me, I asked Esther to send me the papers when she phoned 9/22 and promised to read them and if I found them not prejudicial to Ray and not giving me a conflict of interest I'd agree to be interviewed. All it took was a call to their lawyers. They have not yet sent me the papers. I wrote Rather and mailed the letter as I recall that day. No word on this since. Esther did phone me 9/25. She then asked me a negative question, I wouldn't appear. My response was "correct." I then talked about the papers again and she did not indicte they'd send them. She said she'd call me in two weeks...It may or may not be relevant but I also said I was not going to give any or my work away or work for CBS as a consultant without being paid as one. I said I'd heard they had used Schoenman, who is without knowledge or experience. They never expressed any interest or offered or asked about conditions. I have a feeling there is much contrived in this for nasty purposes. Best,